REMARKS

Claims 17-32 are pending in the present application. Claims 17 and 26 were amended in this response to improve form. No new matter has been introduced as a result of the amendments. Favorable reconsideration is respectfully requested.

The drawings were objected to for informalities. In light of the present amendments to the drawings, Applicants submit the objectionable matter has been resolved. Withdrawal of the objection is earnestly requested.

Claims 17-32 (particularly claims 17 and 26) were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 26, the claim was amended to correct the claim language to improve form. Applicants submit that in light of the amendment, the language distinctly claims the patentable subject matter. Regarding claim 17, the term "allocating, via the controller, the Quality of Service [QoS] for the requested use of the service as a function of at least one of the service and the requested use of the service" should be read using conventional interpretation, where the QoS is allocated depending on (a) the service itself, or (b) requested use of the service. According to the prior art (see *Jorgensen*, below), a user of a service (e.g. telephone service) normally requests a data channel having quality of service (e.g. 64 kbps) which is determined by the user accessing such networks. In other words, a request in essence says: "provide a channel having quality of service of 64kbps". The network subsequently informs the user whether or not the requested quality of service can be permitted.

In contrast, according to claim 17, instead of requesting a data channel having a determined quality of service, a request is made only to the use of the service (for support, see FIG. 2 and page 4, lines 15-21 of the amended specification). In other words, the request essentially says, for example, "I want to make a call" (where use of the service is the making of the call). Subsequently, the controller responsible for call admission allocates a quality of service for the service itself, irrespective of specific requests for a particular quality of service by the user. Thus the *controller*, and not the user, of the service determines the quality of service to be set up in the communication network. For example, the controller may allocate a quality of service of 64 kbps for a telephony service (see page 10, lines 12 to 19 of the amended specification).

The allocation that is a function of the requested use of the service pertains to the controller, for example, allocating a quality of service of 18 kbps with respect to a full network and allocating the quality of service of 64 kbps with respect to an empty network (see page 4, lines 15 to 29 of the amended specification). Therefore, a different quality of service is awarded dependent on the time of the requested use. Alternatively, a high quality of service could be awarded to users having a premium tariff and a low bandwidth to users with a low budget tariff under the example. Then, the different allocating operate as a function of the ordering party of the requested use. It should be noted that a mixture of the previous examples is possible (e.g., service and requested use of the service). Accordingly, Applicants submit the claim form is proper, and further request that the rejection be withdrawn.

Claims 17-32 were rejected under 35 U.S.C. §102(e) as being anticipated by *Jorgensen* (US Patent 6,680,922). Applicant respectfully traverses the rejection.

Specifically, *Jorgensen* fails to teach or suggest the features of "allocating, via the controller, the Quality of Service for the requested use of the service as a function of at least one of the service and the requested use of the service" as recited in claim 17. *Jorgensen* discloses a system for guaranteeing bandwidth in a radio network, depending on the QoS requirements of the user connections (col. 12, lines 57-67). Accordingly, the QoS requirements of the individual connections are determined under *Jorgensen* by evaluating their IP header, and after the data is processed in the IP header, the connections are divided into QoS classes whereby connections having similar QoS requirements are allocated to the same classes (column 48, line 3 to 8; col. 61, lines 50-65). Thus, *Jorgensen* teaches that the QoS is passively allocated based on the already-determined QoS based on the IP flow, and subsequently secures the QoS based on the requirements in the network. *Jorgensen* only reacts to the *existing* QoS requirements and cannot allocate a QoS to a requested use as a function of the service or the requested use of the service.
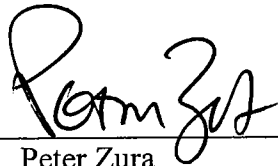
Furthermore, claim 18 recites that "the use of the service is requested without stating the Quality of Service" - such a configuration is neither taught nor suggested in *Jorgensen*.

In light of the above, Applicants respectfully submit that claims 17-32 are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account

No.: 02-1818.   If such a deduction is made, please indicate the attorney docket number (0112740-275) on the account statement.

Respectfully submitted,

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